

Notice of Allowability

Application No.

10/691,831

Applicant(s)

JUNKERS, JOHN K.

Examiner

Katherine W. Mitchell

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/25/2005.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 23 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date with this action.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other 7 and 8 are same document.

Katherine Mitchell
All 3677

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Ilya Zborovsky during the week of 6/6-9/2005.
3. The application has been amended as follows:

In the Specification:

Lines 1-2 of page 2 has been amended to delete "patent applications serial nos. 10/010377, 10/112101, and 10/120343" and to insert in its place --U.S. Patents 6,609,868 and 6,883,401, and US patent application serial number 10/112,101--

In the Claims:

Claim 1 has been amended to insert immediately before the period at the end of the claim: --wherein said radially outer part and said radially inner part are configured so that inside said radially outer part, a free axial space remains, into which said radially inner part moves as it is pulled axially when the bolt elongates-- .

Claim 7 has been amended to insert immediately before the period at the end of the claim: --wherein said radially outer part and said radially inner part are configured so that inside said radially outer part, a free axial space remains, into which said radially inner part moves as it is pulled axially when the bolt elongates-- .

Claim 8 has been amended to insert immediately before the period at the end of the claim: --wherein said radially outer part and said radially inner part are configured so that inside said radially outer part, a free axial space remains, into which said radially inner part moves as it is pulled axially when the bolt elongates-- .

Claim 14 has been amended to insert immediately before the period at the end of the claim: --said two parts including a radially inner part and a radially outer part wherein said radially outer part and said radially inner part are configured so that inside said radially outer part, a free axial space remains, into which said radially inner part moves as it is pulled axially when the bolt elongates-- .

4. The following is an examiner's statement of reasons for allowance: The closest prior art is Grube USP 3728933, who teaches a pair of nuts which could be considered a two part washer if an additional nut were added at the end of the stud past the nut (11) in Fig 6, for example. However, as all the independent claims now include, the radially outer part of the washer must include an axial space that is capable of accepting at least a part of the radially inner washer when it expands. Thus only part (10) of Gruber Fig 4-6 can be considered the radially outer part. Grube is clear that the radially outer part (collar 10) is the part that continues to move. The resistive point is between collar (10) and its axial extension (11), thus part (14) cannot be considered the inner radial washer. Indeed, the indented lip at the resistive point between (10) and (11) prevents (14) from moving into the axial space. If examiner considers collar (10) the outer radial washer and its extension (11) to be the inner radial washer, connected at the resistive point, then there is an axial space into which the inner washer (11) can

Art Unit: 3677

move, but (11) would not move into the space because it is pulled axially when the bolt elongates – to the contrary, bolt elongation would pull part (11) away from, not into, the axial space. Thus Grube is not capable of meeting this limitation.

5. **Double Patenting considerations:** Double patenting was overcome with Terminal Disclaimers for 10/427103 and 10/112101. While USP 6609868 and 6883401 are similar to the pending claims, 6609868 lacks the resistive/break point and 6883401 is for the power tool used with the washer, and thus obvious double patenting does not apply. Serial numbers 10/655182 and 10/802890 also were considered, but are to the method of use and the tool, and not the washer structure as claimed.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

7. In reviewing the file for allowance, examiner notes that a reference on an IDS was not considered due to an error in the document number. As best examiner can determine, the correct reference number has not been submitted.

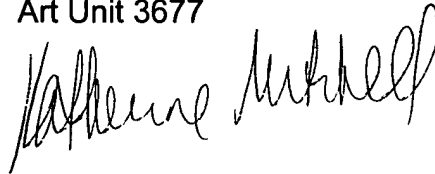
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3677

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell
Examiner
Art Unit 3677

A handwritten signature in black ink, appearing to read "Katherine Mitchell", written over the printed name.

Kwm
6/9/2005